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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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Note by the Secretary-General*

The Secretary-General has the honour to transmit to the General Assembly the thirty-sixth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, submitted pursuant to General Assembly resolution 58/96.

* The present report was submitted after the deadlines provided in the relevant resolutions of the General Assembly so as to include as much up-to-date information as possible.

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Summary

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories is composed of three Member States: Sri Lanka (Chairman), Malaysia and Senegal.

The present, thirty-sixth report to the General Assembly reflects the substance of information gathered during the mission of the Special Committee to Lebanon, Egypt and the Syrian Arab Republic from 25 May to 8 June 2004. In these three countries, the Special Committee met with a total of 84 witnesses representing associations of Palestinian refugees in Lebanon, Palestinian non-governmental organizations (NGOs) from the occupied territories and Israeli NGOs, as well as individuals from the Syrian Arab Republic.

The report describes the visit of the Special Committee to Lebanon and provides first-hand information received from witnesses, including Palestinian refugees in Lebanon. It reviews the human rights situation in the occupied territories and describes developments in relation to the human rights situation in the occupied Syrian Golan. The incidents described in the report are recounted as they were communicated to the Committee by the witnesses who appeared before it.

In its conclusions, the Special Committee urges international and national media to give the matter broader coverage in order to make the appalling human rights situation of Palestinians and other Arabs in the Occupied Palestinian Territories (OPT) and in the occupied Syrian Golan better known to the world. National public opinion, concerned civil society groups and diplomatic, academic and other circles should take the lead in assembling and disseminating information about the massive violations of international law and international humanitarian law perpetrated daily in the OPT that are generating unacceptable destruction of human life, infrastructure, cultivated land and economic wealth. The construction of the separation wall is causing major changes to the social fabric of Palestinian communities and is one of the most visible signs of the transformation of the OPT into a vast open-air prison.

The Special Committee is increasingly alarmed at the regional and international dimensions of the Palestinian issue and is convinced that the international community must act, especially in view of the advisory opinion rendered by the International Court of Justice and the ensuing adoption by the General Assembly of resolution ES-10/15.

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I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established in 1968 by the General Assembly by its resolution 2443 (XXIII).

2. The Special Committee is composed of three Member States: Malaysia (represented by the Permanent Representative of Malaysia to the United Nations, Rastam Mohd Isa), Senegal (represented by the Permanent Representative of Senegal to the United Nations Office at Geneva, Ousmane Camara) and Sri Lanka (represented by the Acting Permanent Representative of Sri Lanka to the United Nations, Bernard A. B. Goonetilleke, serving as Chairperson, who on 5 May 2004 replaced the former Chairman of the Committee, Ambassador C. Mahendran).

3. The Special Committee reports to the Secretary-General. The reports of the Special Committee are reviewed in the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly.

II. Mandate

4. The mandate of the Special Committee, as set out in resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the population of the occupied territories. For the purposes of the present report, the occupied territories are those remaining under Israeli occupation, namely, the occupied Syrian Arab Golan, the West Bank, including East Jerusalem, and the Gaza Strip. The persons covered by resolution 2443 (XXIII) and therefore the subject of the investigation of the Special Committee are the civilian population residing in the areas occupied as a result of the hostilities of June 1967 and those persons normally resident in the areas that are under occupation but who left those areas because of the hostilities.

5. The human rights of the Palestinian people and other Arabs in the occupied territories are referred to by the Security Council in its resolution 237 (1967) as "essential and inalienable human rights" and also find their legal basis in the protection afforded by international law, in particular in such circumstances as military occupation and, in the case of prisoners of war, capture. By resolution 3005 (XXVII), the General Assembly requested the Special Committee to investigate as well allegations concerning the exploitation and the looting of the resources of the occupied territories, the pillaging of its archaeological and cultural heritage and interferences in the freedom of worship in its holy places.

6. The Special Committee bases its work on human rights standards and obligations as defined in particular by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Geneva Convention of 12 August 1949 relative to the Treatment of Prisoners of War (Third Geneva Convention) and the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), the Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict, and the Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land. The Special Committee also relies on those resolutions relevant to the situation of

civilians in the occupied territories adopted by the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights.

7. As in former years the General Assembly, in its resolution 58/96 of 9 December 2003, again requested "the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 ... and to report to the Secretary-General as soon as possible and whenever the need arises thereafter". The Assembly also requested the Special Committee "to submit regularly to the Secretary-General periodic reports on the current situation in the Occupied Palestinian Territory, including East Jerusalem" and "to continue to investigate the treatment of prisoners and detainees in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967".

III. Organization of work

A. Meetings held by the Special Committee

8. The Special Committee as a whole attended the debate on the question of Palestine, which took place from 5 to 8 November 2003 at the Fourth Committee of the General Assembly in New York, following the presentation of its report (A/58/311) by the Chairman of the Committee. On 5 November, members of the Special Committee and the Permanent Observer for Palestine held a working session in connection with the planning of its activities for 2004, exchanging views on how to ensure greater visibility for the work of the Special Committee, as a body or through its individual members, and following up its activities.

9. From 19 to 25 March 2004, the members of the Special Committee attended the meetings of the sixtieth session of the Commission on Human Rights at which the issue of Palestine was discussed under items 5 and 8 of the agenda. While at the Commission, they also held consultations with the Permanent Representatives of Egypt, Jordan, Lebanon and the Syrian Arab Republic, as well as with the Permanent Observers for Palestine, the League of Arab States and the Organization of the Islamic Conference. A similar invitation for consultations had been extended to the Permanent Representative of Israel, who did not respond to it. Exchanges of views also took place with the Acting United Nations High Commissioner for Human Rights and a number of representatives of United Nations agencies such as United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Labour Organization (ILO), as well as with representatives of Amnesty International and the International Federation of Human Rights Leagues.

10. Finally, the Special Committee met again briefly in Geneva on 24 May 2004 before commencing its annual field tour. It held consultations with the Permanent Observer for Palestine, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, and a representative of the Office for the Coordination of Humanitarian Affairs (OCHA). The Special

Committee was informed that owing to unexpected urgent duties in Geneva, one of the Committee members, Ambassador Camara, would be replaced during the field trip by the Ambassador of Senegal to Egypt, Mamadou Sow, who joined the Special Committee in Beirut.

B. Field mission of the Special Committee to the Middle East, 25 May-8 June 2004

11. As in previous years, the Special Committee was not authorized by Israel to visit the Occupied Palestinian Territory (OPT), despite a letter addressed to the Permanent Representative of Israel to the United Nations Office at Geneva on 13 May 2004 and copied to the Secretary-General, requesting access to this territory.

12. With a view to broadening its knowledge and understanding of the Palestinian issue, the Special Committee decided this year to include in its annual field mission a visit to Lebanon, which took place from 25 to 28 May 2004. It was a privileged opportunity to meet in Beirut with the Minister for Foreign Affairs of Lebanon, representatives of the Office of the Personal Representative of the Secretary-General for Southern Lebanon, the United Nations Development Programme (UNDP) and the Economic and Social Commission for Western Asia (ESCWA), as well as with 27 representatives of Palestinian refugee groups and associations.

13. The Special Committee did not visit Jordan this year. From 28 May to 4 June 2004, it visited Cairo, where it heard statements given under oath by 50 witnesses from East Jerusalem, the West Bank and the Gaza Strip. Owing to the events in Rafah in May 2004, the border between the Gaza Strip and Egypt was closed most of that time and a dozen Palestinian witnesses from Gaza who had confirmed their attendance were not able to leave the area to testify before the Special Committee; two witnesses were, however, able to testify.

14. Among the 50 witnesses who did meet with the Special Committee was a delegation of 13 Palestinians, seven from the West Bank and six from the Gaza Strip, who were sent by the Palestinian Authority. Several of them testified before the Special Committee on the consequences of the military incursions in Rafah during the period under review.

15. In Cairo, the Special Committee also met with the Minister for Foreign Affairs of Egypt, representatives of three committees of the Parliament (Foreign Relations Committee, Arab Affairs Committee and International Humanitarian Law Committee) and the Vice-President of the National Council of Human Rights. The Special Committee was invited to a working lunch hosted by Dr. Mohammed E. Abdelmonhim, Assistant Minister for Foreign Affairs for Multilateral Affairs and the Non-Aligned Movement of Egypt. The Special Committee also had an exchange of views with the Secretary-General of the League of Arab States.

16. In Damascus, the Special Committee held consultations from 4 to 8 June 2004 with the Deputy Prime Minister for Foreign Affairs and received a statement from the Ministry for Foreign Affairs. It also had the opportunity to visit Quneitra province, bordering the occupied Syrian Golan, to meet with the Governor of Quneitra and to hear statements made under oath by seven witnesses who had direct and personal knowledge of the human rights situation in the occupied Syrian Golan.

The Special Committee was also invited to participate in a live broadcast from the headquarters of Syrian Radio and Television.

17. The Special Committee wishes to express its gratitude for the much appreciated interest, support and cooperation received from the Governments of Lebanon, Egypt and the Syrian Arab Republic, as well as from the Palestinian Authority, for their views and advice on current Palestinian issues and for facilitating travel and visa arrangements for the witnesses. It is also most grateful to the Regional Representative for the Arab Region of the Office of the High Commissioner for Human Rights (OHCHR) and his office in Beirut, which arranged for the Special Committee to visit Lebanon.

18. In all, 84 witnesses testified before the Special Committee in the three countries, the highest number ever. The Committee is most grateful to representatives of Palestinian refugees in Lebanon who agreed to appear before it and explain their difficult living conditions, and also wishes to express its most sincere thanks and deep appreciation to all those witnesses from the OPT who managed to overcome considerable difficulties, long hours of travel, checkpoints and other impediments to appear before it. It also wholeheartedly thanks representatives of Israeli non-governmental organizations (NGOs) who came to testify, with vision and courage, about the plight of Palestinians and other Arabs in the OPT. The list of NGOs that testified is contained in the annex.

19. The field trip this year took place against the backdrop of renewed violence in the OPT, in particular at Rafah, following the launching of the road map in June 2003, which resulted in unprecedented levels of house and infrastructure demolition. This situation was compounded by the unabated construction of the separation wall by Israel well beyond the Green Line, resulting in the confiscation and militarization of large tracts of fertile land belonging to Palestinians, thus destroying their livelihood. Consequently, entire communities were prevented from working, going to school or having access to health and other social facilities.

20. Two recent developments in the aftermath of the Special Committee's tour should be noted as they might potentially generate new dynamisms and renewed initiatives. One is the advisory opinion rendered in July 2004 by the International Court of Justice, and the other was the adoption of resolution ES-10/15 by the General Assembly on 20 July 2004.

C. Support provided by other United Nations bodies

21. During its mission, the Special Committee benefited from the much-appreciated cooperation extended to it by the offices of the United Nations resident coordinators for Lebanon, Egypt and the Syrian Arab Republic. In Lebanon and Egypt, press conferences were organized by the directors of the respective United Nations Information Centres. In Cairo, the press conference brought together about 40 journalists and provided the Chairman of the Special Committee with an opportunity to hold a live interview with a senior Egyptian journalist. In Damascus, the Committee had a most useful exchange of views with the heads of various United Nations programmes and agencies, including UNRWA, the United Nations Children's Fund (UNICEF), UNHCR, the Food and Agriculture Organization of the United Nations (FAO), the World Food Programme (WFP) and OCHA.

D. Purpose and context of the report

22. The present report is submitted pursuant to General Assembly resolution 58/96.[1] Despite the fact that the Special Committee was again not authorized to visit the occupied territories and to observe for itself the living conditions there and to have consultations with Israeli officials, it gathered enough evidence to be able to express its utmost concern at the severely deteriorating human rights and humanitarian situation, and at the unprecedented level of destruction of agricultural land, fruit trees and other means of livelihood, houses and other infrastructure. Practically every aspect of the daily life of Palestinians and other Arabs in the OPT has been severely affected.

23. The Special Committee has come to the grim realization that nearly 60 years after 1948, their aspirations for a homeland and their hopes for a better future are considerably diminished for the Palestinian people in the OPT. Education, which in the past was considered a major asset for leading a better life, has lost its allure as it did not bring any improvement to the lives of Palestinian refugees, their children and grandchildren.

24. Two factors may play a decisive role in countering the present apathy. One is the renewed genuine interest and responsibility taken by the world media in reporting on the relentless military occupation of the OPT and on the plight of its people. The resourcefulness demonstrated by the media a few months ago in revealing violations of human rights elsewhere in the region is indicative of a proactive media role that could be useful in the Palestinian crisis as well. The second is the growing influence exercised by major segments of public opinion in certain countries in informing, alerting and advocating among their respective constituencies about the complexity of the Palestinian issue.

25. The Special Committee is becoming acutely aware that the mandate entrusted to it is a difficult one and that the Committee could easily be accused of bias. However, it is also increasingly conscious that it could play a role in bringing about changes in the perception of the Palestinian issue, not only among stakeholders, but also among small and large constituencies within the international community. Such a move should, however, be part of a common endeavour. Some aspects of this strategy became more evident to the Special Committee during its field trip, but much remains to be done in order to strengthen and articulate such a strategy in a coherent way. Despite attempts already being made to curtail its activities or to abolish the Special Committee, it holds the view that it can rely on such resources as its integrity, its moral authority, as well as the capacity to contact Governments, institutions or personalities deemed appropriate to fulfilling its mandate.

26. However, recent developments have demonstrated that the plight of Palestinians and other Arabs living in the OPT, in the occupied Syrian Golan and elsewhere in the region is becoming more and more intolerable, and perhaps irreversible. Measures must be taken by the international community to revive the road map and monitor its implementation by the parties to the conflict. For well-known reasons, very little has been achieved by the Palestinian Authority in terms of providing the security that is desperately needed in order to put an end to the recourse to violence and to give Palestinians a sense that the fulfilment of their expectations for a secure future is at hand. The chaotic situation that developed during July 2004 in the Gaza Strip sadly attests to the current state of affairs.

Moreover, the comprehensive and sustained freeze on settlement activities by Israel called for in the road map is far from being implemented. Despite repeated assurances given by the Government of Israel, settlement activities continue unabated. Recent reports indicated that up to 1,000 new housing units were soon to be constructed.

27. Unless Prime Minister Sharon's initiative to withdraw the Israeli armed forces from the Gaza Strip and parts of the West Bank and to evacuate all settlements in the Gaza Strip and four others in the northern West Bank materializes soon, as a visible sign of Israel's willingness to fully implement the road map, nothing will change and there will be no improvement to the present situation.

IV. Visit to Lebanon

28. The Special Committee's visit to Lebanon was aimed at broadening its cooperation with Member States in keeping with General Assembly resolution 24/43 (XXIII) and rule 13 of section VII of the Special Committee's rules of procedure. The Special Committee is especially grateful to the Government of Lebanon for its cooperation and assistance. The visit afforded the Special Committee the opportunity to widen its perspective, in particular in respect of the views and attitudes of Palestinian refugees living in Lebanon towards the situation in the OPT. Meetings with others, including officials of international organizations, also helped the Special Committee in gathering information pertaining to its mandate.

29. Representatives of Palestinian groups and associations who appeared before the Special Committee unanimously concurred that it was the wish of the Palestinian refugees in Lebanon to return to their homeland, Palestine, in peace and dignity. Many had waited a long time, some since 1948. Events occurring in the OPT had had a severe psychological and emotional impact upon the Palestinians in Lebanon, in particular unemployed adults and youth, the elderly, women and children. Many remained concerned about the fate of their friends and relatives living in the OPT under the Israeli occupation and who suffered constant hardship and harassment as a result of Israeli policies and practices, including being confined and encircled by the wall being constructed in the West Bank.

V. Human rights situation in the OPT

30. Most witnesses from the West Bank and the Gaza Strip highlighted their appalling and deteriorating living conditions resulting from the increasing military incursions and from the construction of the wall in the northern West Bank. Land had been confiscated, the destruction of cultivated fields and houses had reached unprecedented levels, families and communities were split and farmers had been denied access to their land, workers to their jobs, children and youth to schools, colleges and universities and women and children to basic health and social services.

31. Some witnesses this year even used the words "ethnic cleansing" to describe the effect of the Israeli practices. Every movement from one village or city to another, or even within neighbourhoods, required a special permit. Road closures and checkpoints, of which there were more than 600 between the West Bank and the

Gaza Strip, added hours of driving or walking on dreary side roads for ordinary Palestinian citizens. Extrajudicial killings continued, taking not only the lives of leaders of militant groups, but also of children, some of them on their way to school. Thousands of workers had lost their jobs in Israel and thus their income, and were subjected to humiliating and degrading treatment at checkpoints. Convergent testimonies referred to the worsening detention conditions of Palestinians held in Israeli jails: no family visits, scarce legal assistance and continued abuses, especially during the initial period of their arrest. In the second part of August 2004, thousands of Palestinian detainees undertook a hunger strike to protest deteriorating conditions of detention (see para. 60 below).

A. Right of self-determination

32. The period under review was characterized by the sustained construction of a separation wall in the West Bank and military incursions in the Gaza Strip around the border at Rafah. The wall is an eight-metre-high barrier with sections of electric and barbed-wire fence, under construction since June 2002. The wall, which follows the contours of Israeli settlements, is being built in stages, in addition to the barrier surrounding Jerusalem. The first 123 km of the wall linking Salem to Elkana in the north-west has been completed. An additional 40 km of secondary barriers are reportedly scheduled to be extended eastward of the main wall. Only 10 per cent of the wall envisaged by the Israeli authorities follows the Green Line; the remaining 90 per cent cuts up to 22 km deep into the West Bank. Already, 2,800 hectares (28,000 dunums) (1 ha = 10 dunums)[2] have been confiscated for the construction of the barrier, and it is feared that the establishment of a 100-metre-wide "buffer zone" on each side of the wall will take away thousands more.

33. According to some sources, more than 875,000 Palestinians from at least 200 communities will be affected by the construction of the wall. The anticipated length of the wall (728 km, including 106 km around Israeli settlements in the West Bank) will reportedly lead to the annexation or destruction of at least 45 per cent of Palestinian built and agricultural land. According to one Palestinian source of information, 164 km of the wall had been completed.

34. The increased military presence in the West Bank and around the Gaza Strip, associated with the hundreds of road closures and checkpoints between northern and southern areas of the OPT, had led to the total isolation of villages or cities, which effectively became separate cells, threatening their identity and their very survival. According to a number of witnesses, the social fabric of Palestinian communities was becoming stretched to the breaking point. Palestinian families, especially from rural areas, would be forced to leave their homes and resettle in areas or cities close to their jobs, schools, hospitals and social facilities.

35. Between May and August 2004, the Gaza Strip, particularly around Rafah, was the theatre of unprecedented military operations that not only took the lives of several dozen civilians, but left 200 others injured and about 1,300 people homeless through the total destruction of 72 houses and the partial destruction of 27 others. These house demolitions were accompanied by severe damage to basic public infrastructure such as electricity lines, water pipes and sewage systems. Military operations reportedly also led to the destruction of a mosque, commercial buildings and shops. The closure of the border meant that towards the end of July and in the

first days of August, thousands of Palestinians were stranded on the Egyptian side without food, water or health facilities. A number of babies were born in these inhospitable conditions.

B. Right to freedom of movement and freedom to choose one's residence

36. Infringements of the right to freedom of movement and the freedom to choose one's residence were said to have worsened in the second part of 2003 and the first months of 2004. According to sources, about 750 checkpoints and road blocks exist throughout the West Bank. Access to the Gaza Strip has been denied for months except occasionally for holders of diplomatic passports. Palestinians from the Gaza Strip cannot go to Jordan, for instance, without getting a special permit from the Israeli authorities, delivered on a case-by-case basis through a complex application system. The crossing from northern to southern areas of the West Bank takes only three hours for an Israeli using the bypass roads built by the occupying Power, whereas an ordinary Palestinian, who has to navigate through the network of checkpoints and road blocks, needs at least 13 hours.

37. Qalqilya is a striking example of a city transformed into a prison as a result of the wall and the road blocks. The population of the Governorate of Qalquilya is 90,000 people, of whom 40,000 live in the city. About 6,000 dunums became unusable for farming because of their proximity to the wall. Almost 100,000 trees were uprooted. More than 1,000 irrigation wells were destroyed. Sixty-four per cent of the population live in poverty. Several hundred students lost a quarter of their academic year as a result of road closures; 64 teachers did not manage to get to their schools. About 600 students were prevented from entering university. Two hundred infrastructural installations were demolished in the city. Hundreds of businesses had to close as merchants were no longer authorized to enter Qalqilya. Many workers lost their jobs. In one year, 130 days of curfew were imposed on the Governorate.

38. It was anticipated that soon another 80,000 dunums of cultivated land would become unavailable for farming as the farmers separated from their lands by the wall will only be allowed to cross three times a day for approximately one hour. A tunnel was built linking Qalquilya to another locality. Palestinians were forced to walk 35 km instead of the 2 km usually necessary to cover the distance.

39. Similar stories were reported about other cities, like Tulkarem and Hebron. In the old historical city of Hebron, with a population of 500,000, at least 60,000 inhabitants would become isolated because of the wall and hence deprived, inter alia, of their right to worship because access to a mosque would be denied. Four universities in the area had been the object of recurrent military incursions, preventing students from attending classes.

40. The cantonization of the West Bank was obviously due to the wall. Some villages had lost all their lands. Other villages were trapped between the wall and the Green Line. Each village lived a specific tragedy. One no longer had access to a doctor, dispensary or hospital. Most of the children and youth lost half a year's schooling owing to the lack of gates in the wall.

41. Daily life of Palestinians in the OPT was further complicated by the endless administrative intricacies governing the system of compulsory permits (Military

Order 327) that each Palestinian citizen aged 12 years and above must have in order to be able to move from his/her village to the neighbouring city and to cross through the nearest gate in the wall in order to have access to schools, jobs or health facilities on the other side. These permits are issued by an Israeli district administrative officer who was responsible for all aspects related to the daily life of the Palestinians. They are issued and signed by the military, bear the name of the person concerned and the exact place of his/her destination, and their validity does not extend beyond one or two weeks, so that they constantly have to be renewed. Sometimes, in order to get to the cities where these administrative offices were located, Palestinians were held up at checkpoints where they had to negotiate with the military before being allowed to continue their journey. The situation was even worse for workers going every day into Israel.

42. The issuance of the permits was arbitrary and irregular, and could be refused or stopped on the ground of "security restrictions" without further explanations. The Special Committee heard of a young woman who had been denied a permit to cross the Rafah border on the pretext that a piece of metal surgically inserted into one of her leg bones was a threat to security. Moreover, permits would not be issued to Palestinians unless their identity documents bore the name of their village of origin. If the spelling of the name of the village was not accurate, intermediate administrative steps had to be first approved by Palestinian authorities and then confirmed by Israeli authorities in order to correct it. Some NGOs were trying to help by organizing collective permit requests, but while such requests were sometimes agreed to after a month, in some cases it took up to two years. Permits connected to employment were refused because people had lost their jobs in the meantime.

43. The new law on citizenship, adopted in 2003 by the Knesset and which entered into force in July 2004, was expected to have dramatic consequences for Palestinians, in particular Palestinians residing in East Jerusalem. According to the new law, Palestinians from outside Israel who marry Israeli citizens will not be able to obtain either Israeli citizenship or residence permits, meaning that couples must either live apart or leave Israel. The children of those marriages would also not be entitled to either Israeli citizenship or residence. That would mean that many Palestinians wishing to live with their family members will lose their right to reside in Israel.

44. Between 1967 and 1974, children were registered in accordance with their parents status. After the change in the municipality law of 1991, children would no longer be registered on the identity card of their mother, if the father was originally from the West Bank and the mother from Jerusalem. With the new law, children born outside Jerusalem could not be considered as citizens, but only as residents of Jerusalem. Numerous complaints have recently been lodged with the Israeli Supreme Court in this regard.

C. Right to life

45. Palestinian casualties had reached their lowest level in the period July to September 2003 in the aftermath of the ceasefire concluded at that time. That trend was interrupted by the revival of the conflict, which resumed in the last months of 2003 and reached a new peak in spring 2004, culminating with the Rafah border

incidents. Several targeted killings were committed by Israeli forces of militants of the Hamas group. For example, on 22 March 2004, Sheikh Ahmed Yassin was killed by helicopter fire as he was coming out of a mosque. Several witnesses stated that such acts had caused casualties among Palestinian children. According to some estimates, 550 children lost their lives between December 2000 and May 2004. Between January and May 2004, about 40 children died, the majority in the Gaza Strip during the military operations at Rafah. Witnesses asserted that children under 12 years of age were increasingly being targeted. Some of them, known for their agility, were suspected by the Israeli military of assisting militant groups. Israeli snipers were also reportedly targeting children on their way to school. At least two witnesses told the tragic story of a three-year-old girl shot by a sniper while she was feeding pigeons with her younger brother in the Gaza Strip. The Israeli military did not allow ambulances to rescue the two children until they were dead. During the Rafah incidents, several NGO medical teams tried to enter the area and assist injured civilians, but were prevented from doing so; many of the wounded bled to death.

46. According to another incident recounted by a witness, on 22 December 2003, an ambulance transporting a woman pregnant with twins and accompanied by her husband was stopped at a checkpoint in the Ramallah area. The couple had to wait for 1 1/2 hours by the side of the road. When the wife was allowed to get back into the ambulance, she gave birth to the first baby without any assistance. Her husband was only allowed to approach the ambulance a few minutes after the first delivery. Both babies died right after the second one was born. Only then was the wife allowed to be transported to the nearest hospital. Between October and December 2003, three ambulance drivers were shot and killed in the Gaza Strip.

47. Witnesses reported that during an Israeli military operation in the West Bank, a 14-year-old Palestinian boy was taken by a patrol and forced to walk in front of them as a human shield to protect them from rocks thrown at them by other youths. The boy had his nose broken by a stone and was later sent to hospital. In a similar case, two girls were used as human shields by Israeli soldiers to protect them from stones. In some cases, Palestinian detainees were also used as human shields by the military on the tops of their tanks when patrolling roads or searching houses. Some children also died as a result of mines. The majority of the injured children were reportedly hit in the upper part of their bodies; others were paralysed.

D. Right to liberty and security of persons

48. Estimates provided by witnesses and other sources of information indicated that as of May 2004, at least 7,400 Palestinians were detained in Israeli jails. Of this number, about 750 were held under administrative detention, i.e. without charges or trial. These detainees did not have access to lawyers. Some of them had been held for more than two years under administrative detention for unclear motives. This type of detention could be renewed by military order, indefinitely.

49. During the period under review, between 90 and 100 women were said to be detained in four cells of a prison and 300 to 400 children under 18 years of age were reportedly held in detention centres, generally together with common-law adult prisoners. Two babies had been born in detention. Compared with the previous year, witnesses recorded an increase in the number of cases of humiliation, torture and

degrading treatment inflicted on Palestinian detainees, especially after a recent decision of the Supreme Court confirming the legality of such practices under Israeli law. Israel has ratified the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

50. In addition to the already identified problems of overcrowding and lack of ventilation, light, proper food and sanitation, several witnesses highlighted an intensification of the 71 recorded methods of torture. Degrading treatment was most often inflicted just after arrest, during the transportation of detainees from their homes to detention centres, and sometimes also during interrogation. The majority of women detainees were subjected to sexual assault. A witness referred to a case of sexual abuse and/or threats of rape against three youths aged 12, 16 and 17. The story was told of a boy, aged approximately 17 years, from a village north of Jerusalem who was detained in an ambush by Israeli soldiers near a Jewish settlement. He was taken to a detention centre and held incommunicado in a very crowded cell. He was subjected to various forms of torture before being sexually assaulted by female Israeli soldiers and later sodomized by other soldiers. He was refused access to the bathroom and told to sign a confession. When he refused, his thumb print was placed on the document. He was finally tried and sentenced to three years' imprisonment. He was released in August 2003, and has been in therapy since then.

51. In another case, a 17-year-old girl, who had already been arrested during the first intifada, was severely beaten by soldiers and treated in a hospital. She was re-arrested at a checkpoint on her way back from the hospital and badly injured on the head by soldiers. After spending one month in hospital as a result of that injury, she was again arrested in September 2001, severely beaten, transferred to various detention centres and finally held in a centre for about 400 Israeli women where she was subjected to various forms of degrading treatment such as "shabeh".[3] She was refused visits by her family or lawyers and was not allowed her schoolbooks. She witnessed two women prisoners giving birth with their hands tied up. After she had served her sentence, she was finally released but then placed under house arrest. She had undergone two surgical operations for the injuries received from the torture and was to have two more in the next two years on one of her feet, which is becoming paralyzed. She was currently underweight, nervous, and still affected by terrifying nightmares and difficulties in concentrating.

52. Other methods of torture included deprivation of sleep and access to the toilet; water deprivation; harsh beatings; verbal abuse; electric shocks; threats of deportation of detainees or their relatives; threats of destruction of homes; suspension by the arms or sitting on a small chair ("shabeh"); arrest of relatives; deprivation of medical treatment; burning with cigarettes; violent shaking; darkness or glaring lights; forced statements; denial of family visits; isolation in cells for long periods; hands and feet tied up; plastic bags on heads; forcing people to appear naked during interrogations; and use of dogs.

53. Witnesses referred to new methods of torture: a gas sprayed on the body that penetrated the skin and caused dizziness or fainting. During interrogation, a number of detainees were allegedly transferred or deported by the Israeli forces from the West Bank to the Gaza Strip, where they remained stranded.

54. Between September 2000 and May 2004, an unknown number of detainees were said to have died, shot while trying to escape, beaten to death, or as a result of lack of medical care.

55. According to several witnesses, more than 500 Palestinian detainees who had been shot and arrested during military operations were denied access to the prison clinic or dispensary or transported very late to a hospital for surgery. Between 400 and 800 detainees were said to be ill in Israeli jails. Many sick detainees were suffering from heart and kidney problems, cancer, mental disorders, respiratory or lung problems, diabetes, diseases related to poor hygiene, or from a specific handicap. Normally, a doctor should immediately examine the detainees upon their arrival in prison, but in reality, medical teams assisted the prison authorities in torture.

56. Palestinian lawyers or groups of lawyers were trying to help, often with the assistance of Israeli lawyers, as the former were not allowed to appear before Israeli courts, by meeting the detainees or facilitating visits by families. Only in very rare cases were such visits allowed. Israeli law prevents such visits during the first 25 days of arrest and interrogation. Many detainees were held in tents in military camps under difficult conditions. Three such places were in the Negev. Prisoners were put in groups of 20 in tents which were very hot in the summer and very cold in the winter. Detainees had to buy their own food or rely on their families. They were exposed to humiliating strip searches. When detainees refused body searches in their cells, they were beaten and sprayed with a gas that caused severe stomach pains in some of the prisoners. Solitary confinement could be ordered by a simple decision by the prison director.

57. Lawyers were said to find it practically impossible to play their proper role, in the face of illegal interrogation of detainees, the absence of fair trials, and physical or psychological pressures. Three military courts, including one in the Gaza Strip, were trying Palestinian detainees. In a number of cases, lawyers were not given enough time to obtain access to their client's files and copy relevant documents. The court often impeded their appearance at trials or postponed the proceedings when lawyers could be present.

58. Since October 2003, a number of administrative detainees had been deported from the West Bank to the Gaza Strip. According to military law, the courts were supposed to review deportation orders every six months, but so far this had never been done. These cases were brought to the attention of the Special Committee by a Palestinian NGO, which contended that the Supreme Court interpreted in a restrictive manner article 49 of the Fourth Geneva Convention with respect to the housing and living conditions of deported persons.

59. Authorization from military commanders was required for visits by medical teams. Several witnesses alluded to the presence of intelligence officers in detention centres.

60. In mid-August 2004, at least 2,800 Palestinian detainees in Israeli prisons went on hunger strike to protest against the deterioration of their conditions of detention, including torture, degrading treatment and collective punishment, denial of family visits, humiliating strip searches in front of other prisoners, solitary confinement for extended periods, inadequate and unhealthy food, and lack of educational and vocational activities, in violation of the Fourth Geneva Convention and the

Additional Protocols. The Israeli authorities publicly committed themselves to using methods of intense psychological and physical pressure to force detainees to put an end to their hunger strike.

61. On 25 August 2004, the International Committee of Red Cross (ICRC) issued a press release stating that it had begun a process of visiting all prisons where there were detainees on hunger strike, maintaining close contacts with their families and representative groups. ICRC planned to strengthen its team of visiting medical doctors in detention places and to intensify its monitoring of the health condition of those detainees and their access to medical care. The press release further stated that Palestinians detained by Israel were protected under the Fourth Geneva Convention and were therefore covered by its provisions, including respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs.

62. The United Nations agencies and offices in the OPT issued a statement on 24 August 2004, reminding Israel of its obligations under the Fourth Geneva Convention and relevant international human rights instruments that provide for the protection of detainees and prisoners. The Organization of the Islamic Conference issued a statement on the same day, calling for speedy action by the international community.

63. The key demands of Palestinian detainees relate to the implementation of relevant international instruments: the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Additional Protocols of 1977, the International Covenant on Civil and Political Rights, in particular article 19, the International Covenant on Economic, Social and Cultural Rights, in particular articles 11 and 12, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Standard Minimum Rules for the Treatment of Prisoners.

E. Right to freedom of opinion and freedom of association

64. During the period under review, journalists and other members of media continued to be subjected to Israeli attacks. Witnesses reported that from March to May 2004, 12 Palestinian journalists had been injured and 22 others arrested. Four journalists were being detained in Israeli prisons.

65. On 2 May 2004, an Israeli plane fired three missiles against Al-Aqsa radio, located in a building in Gaza. A local television station close to the headquarters of the Palestinian Authority in Ramallah was also bombed. Many Palestinian journalists were unemployed, as the Israeli authorities did not allow them to move freely or to visit rural villages. Journalists were constantly watched and harassed, along with members of their families, including children on their way to school. Newspapers faced heavy censorship and their distribution was badly affected by the road closures and roadblocks. Journalists and foreign correspondents risked their lives every day. A British journalist was shot dead by the military while he was covering a scene of a destruction in Gaza.

F. Right to just and favourable conditions of work

66. The number of Palestinians from the West Bank and the Gaza Strip and from East Jerusalem able to work in Israel is highly dependent on the continuously changing restrictions on the movement of workers within the OPT and into Israel. According to figures provided by the International Labour Organization, there were 54,000 workers from the West Bank and 4,000 workers from the Gaza Strip (not including those working in the Erez Industrial Zone) in Israel in the last quarter of 2003. The overall number of Palestinians working in Israel had significantly decreased by about 100,000 since the intifada. Employment opportunities in Israel for Palestinians had become highly volatile as they very much depended on quotas set by Israel, on the issuance of valid permits, security checks, and on the decisions taken on a day-by-day basis by the military regarding entrance at checkpoints. Unemployment in the OPT was about 30 per cent.[4]

67. One witness pointed to the appalling conditions and humiliations suffered by workers crossing the Erez checkpoint. Workers needed to obtain magnetic cards from an Israeli intelligence bureau close to Erez, a limited number of which were issued. While queuing to get this card, workers were harassed, insulted and subjected to extortion by intelligence officers, who asked for their "collaboration". Those who refused did not receive magnetic cards. Once they had one, workers had to wait in large crowds for hours before being allowed to go through one of the seven corridors of the checkpoint. Many workers suffered from asphyxiation or broken ribs and had to be taken to hospital. Some workers rented places to spend the night in order to be able to cross the checkpoint the next morning, while others spent the night at the checkpoint. Many workers lost their jobs because they arrived late at work.

68. Workers had to pass through at least four different gates, each guarded by heavily armed soldiers with instructions to fire if workers did not obey orders. Workers were constantly humiliated, stripped in front of others and beaten up. They were not allowed to carry their own food through the checkpoint but had to buy it in Israel. Workers were not allowed to cross the Erez checkpoint unless they could show a recruitment letter from their employer. They had to be married and under 35 years old. In addition, workers often had to pay bribes of 700-1,000 shekels to the employer to obtain a recruitment letter. This was a huge amount of money, often forcing the workers to sell their wives' jewellery. When the checkpoint was closed, they would lose their jobs as well as their money.

69. Employment in all economic sectors was subject to obtaining work permits or special permits. Palestinian businessmen travelling to Israel needed such permits for importing, exporting or transporting goods within or outside the OPT. Special permits were also required for Palestinians working in factories owned by Israelis in the OPT, including people living in the city where the factory was located. In the locality of Mwasi in the northern area of the West Bank, almost 700 fishermen and their families lost their source of income after the nearby port, located close to a Jewish settlement, was closed in 2001. Boats and fishing equipment were not maintained and gradually deteriorated. After negotiations, Israeli authorities granted 50 work permits, which could not be used as the fishermen were harassed by the settlers and soldiers.

70. Working conditions in the Jewish settlements, although not yet well documented, were harsh and the work poorly paid. Workers did not have holidays, sick leave, or insurance or maternity leave.

G. Right to an adequate standard of living, including adequate food, clothing and housing

71. Destruction of civilian property became a constant element of Israeli military incursions into Palestinian towns, villages and refugee camps throughout the OPT during the period under review, and especially in August and September 2003 and as of February 2004. Military operations often destroyed water, electricity and sewage systems and communications networks, and seriously damaged roads and bridges. Civilian institutions, including government offices, police stations, prisons, banks, hospitals, clinics, schools and NGO properties, were repeatedly targeted, damaged or destroyed throughout the OPT.

72. According to some sources of information, more than 1,100 houses were totally or partially demolished in the Gaza Strip during the period January to May 2004, especially in the area of Rafah and the refugee camps near the Egyptian border. Some 29,000 people were allegedly forced to take refuge in temporary premises made available to them through United Nations agencies like UNRWA, or ICRC. People suffered not only from the destruction of their homes and daily environment, but also from the related sharp increase in unemployment (up to 80 per cent in the area). In addition, most of the children could no longer attend school, as classrooms and playgrounds had been severely damaged. According to two witnesses, the total losses for the Rafah area between September 2000 and May 2004 were estimated to be more than US$ 1 billion. Some 38,000 dunums of cultivated land had been destroyed and more than 1 million fruit trees (including olive, palm, citrus, peach, apricot, banana, almond and other trees) had reportedly been uprooted and destroyed. In the Zeitonn area 2 km from the Rafah border, 33 greenhouses as well as a number of poultry farms were destroyed during a five-day curfew imposed on the population. These huge economic losses would take years to recover: one single fruit tree needed between five and seven years of steady growth before it yielded any income.

73. The renewed policy of demolishing houses, combined with an unprecedented level of destruction of municipal infrastructure and means of production, was perceived as persistent collective punishment and humiliation imposed on the Palestinian population which would impede its recovery for a long time. These demolitions violated the relevant provisions of the Fourth Geneva Convention and Additional Protocol I, which stipulate the principle of distinguishing between military and civilian objectives and of subjecting potential demolitions to strict military necessity, and highlight the principle of proportionality to be observed in the use of force. Because the Israeli authorities did not recognize the applicability of the Fourth Geneva Convention to the OPT, the Supreme Court, in the vast majority of cases of house demolitions of which it had been seized, followed the decision made by the military and did not consider the arguments of the plaintiff, although in theory the victim of a potential house demolition had the right to appeal to the Supreme Court. The Court's decisions reportedly did not contain any analysis of the legal provisions applied by Israeli authorities or explain its views regarding international law standards.

74. Some witnesses pointed to the serious situation with regard to the Palestinians' standard of living and especially their housing rights. Since 1967, about half of the land in East Jerusalem had been confiscated by Israel to build Jewish settlements all around its outskirts. The Jewish population of East Jerusalem had grown, reaching 250,000 inhabitants, whereas the Palestinians population was down to 215,000. West Jerusalem was essentially populated by Jews (about 250,000) and only a few Palestinians (the total population of East and West Jerusalem was estimated at 715,000).

75. Unlike West Jerusalem, for which there had long been a master plan, with green areas and building restrictions, East Jerusalem had been trying for more than 10 years to proceed with rezoning and to produce a more viable system of land registry. It was sometimes impossible to ascertain the legal status of some plots, especially when they had been confiscated for the construction of roads or buildings. The issuance of building permits for Palestinians living in East Jerusalem was not only heavily restricted compared with the facilities granted to Jews, but also quite expensive. Many Palestinians, including those who had long-standing property rights in East Jerusalem, could no longer afford to pay for building permits. This either discouraged them from building houses or encouraged them to build illegally, for which they were often heavily fined. When they could not pay the fine, their houses were demolished. A number of churches and mosques had undergone a similar fate.

76. Taxes had increased to such levels that one quarter of the shops owned by Palestinians had to close down. Since the second intifada, hotels in East Jerusalem had great difficulty in paying the "Hamouna tax" following the heavy drop in tourism, which had shifted to West Jerusalem.

77. Seventy per cent of the population of the OPT was reported to be food insecure or at risk of becoming so as a direct result of the continued regime of closures and restrictions of movement that were paralyzing the Palestinian economy. Lack of income, mainly caused by unemployment, was a main reason. As already noted by the Special Committee in its previous report, the "new poor" population (335,000 unemployed with a dependency ratio of seven) was living under the poverty line of 2 dollars a day.

78. The restrictions on the movement of goods and persons had had a serious impact on agricultural production, transport costs of primary goods and consumer prices. The closures had created logistical chaos, impeded access to markets and generated high transport costs, particularly in the West Bank. Availability of agricultural products in the OPT had drastically diminished. Fishing zones in the Gaza Strip had suffered from limitations imposed by Israeli forces. Sharp declines had been registered in the production of poultry products, fish, citrus fruits and bananas, whereas olive production remained relatively stable.[5]

H. Right to health and right to education

79. The intensification of military operations during the period under review had led to infringements on the right to health throughout the OPT. Soldiers at checkpoints prevented ambulances and individuals on their way to health-care facilities from reaching the nearest hospital. Often people could not enter dispensaries or hospitals because the entrances had been closed by the military or

were heavily guarded and access was available only for a short period during the day. Witnesses reported that in some instances, soldiers had barged into operating rooms. These circumstances had a negative impact on the health situation of the population. Poor treatment of patients was also reported near Jenin and Tulkarem in the West Bank. It was further reported that people who had been kidnapped from Palestinian hospitals or forcibly removed from ambulances had been found unconscious, handcuffed to their beds, in a civilian hospital cooperating with the Israeli army, while their desperate families were ignorant of their whereabouts.

80. Owing to the construction of the wall, many villages in rural areas in the northern area of the West Bank no longer had access to hospital facilities located in cities and did not have basic health care in their local communities. Several witnesses reported that ambulances ran great risks while waiting at the gates to cross the wall; personnel were abducted, beaten up or taken into custody by the military for a few hours or even for several months. A well-established humanitarian organization stated that every day about 50 of its ambulances were checked by Israeli forces. The same institution also reported that during the Rafah incidents, 28 of its ambulances were totally destroyed by the military. Several volunteer ambulance staff had died under fire since the beginning of the second intifada.

81. Other witnesses reported tragic incidents at checkpoints. In the area of Tulkarem, a pregnant woman had been held up at a checkpoint and died before reaching the hospital. There was a noticeable increase in the number of pregnant women who preferred giving birth at home rather than risk their lives trying to get to a hospital.

82. Several medical NGOs were adjusting their health-care strategies and initiating networks of mobile clinics that could assist in a more flexible way the Palestinian population in isolated rural communities and villages cut off by military operations and with limited opportunities of getting cross the wall; in a number of places, gates were opened twice a day for a period of only 15-20 minutes.

83. Vaccination programmes, which were largely dependent on mobile medical teams, could not be undertaken with the required regularity, leading to an increase in communicable diseases in the OPT. Fears were expressed regarding the possibility of a polio epidemic. Mental health was also at risk because of the high level of violence and stress in every aspect of daily life. According to a recent study, 59 per cent of children between 13 and 17 considered that their parents could not protect them from danger.[6]

84. Numerous examples were given by witnesses of the difficulties faced by patients suffering from chronic diseases and in need of regular treatment such as kidney dialysis. Equipment in Palestinian government hospitals was obsolete and frequently out of order. Many patients therefore had to be transferred to other hospitals in Hebron or Ramallah.

85. The prevailing climate of violence, military operations, demolition of houses and other destruction affecting their communities often prevented children from attending school. Some witnesses asserted that the level of education was deteriorating, which was having long-term negative effects on the well-being of children. Preparation of curricula, teacher training and monitoring by the Ministry of Education and Higher Education were hampered by restrictions and the near impossibility for teachers and administrators to travel between cities in the West

Bank and the Gaza Strip. These difficulties were further aggravated by the fact that 50,000 new pupils entered the school system every year, overburdening the already overcrowded classrooms and facilities. Since September 2000, almost 1,300 schools had been closed, while some 280 schools had been damaged by rockets and shelling. Nine schools had remained closed and three had been transformed into military bases by Israeli forces. Like Palestinian refugee children in Lebanon, children in the OPT only played violent and war games and drew pictures of tanks and weapons. A number of NGOs were trying to develop alternative recreation programmes for these children. However, hopes for a better future and improved living conditions as a result of higher education standards were fading away owing to the deepening economic crisis and the high unemployment rate in the OPT.

86. Children's access to education was also linked to their place of residence. In East Jerusalem, for instance, only children who were legal residents could attend school. As of last year, no authorization had been given by the municipal authorities to build new schools.

VI. Situation of human rights in the occupied Syrian Golan

87. During its visit to Damascus, the Special Committee received various documents from the Syrian authorities on Israeli practices affecting the human rights of Syrian citizens in the occupied Syrian Golan. In particular, the thirty-sixth annual report of the Government on this subject was made available by the Ministry for Foreign Affairs, a statement was delivered to the Special Committee by the Director of the International Organizations Department of the Ministry for Foreign Affairs, and a report by the al-Quneitra Governorate on Israeli violations of human rights in the occupied Syrian Golan was transmitted. All three reports are available for consultation.

A. Historical background

88. The Golan has been occupied since 1967. On 14 December 1981, Israel imposed its laws, jurisdiction and administration on the occupied Golan. On 17 December 1981, the Security Council considered this annexation null and void in its resolution 497 (1981). In its resolution 53/57, the General Assembly decided that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purported to alter the character and legal status of the occupied Syrian Golan were null and void and constituted a flagrant violation of international law and the Fourth Geneva Convention. Since then, the annexation has not been recognized either by the Arab population of the Golan or by the United Nations.

89. Israeli practices in the occupied Syrian Golan affect in particular five villages, which together have 23,000 inhabitants. These villages are the only ones surviving of the 132 Syrian villages that formerly existed in the area.

B. Persistent deterioration of the human rights situation

90. Consultations held with government officials, including the Governor of Quneitra, and seven witnesses allowed the Special Committee to assess the persistent deterioration of the human rights situation in the occupied Syrian Golan.

91. According to the Ministry for Foreign Affairs, the Israeli policy of settlement and expropriation of lands continued during the period under review. The population of 44 Jewish settlements, which currently had 20,000 inhabitants, was expected to further increase by 15,000 settlers over the next three years, following a decision by the Israeli authorities on 1 January 2004. The authorization already had been granted for nine new settlements and to extend the existing ones, which implied the expropriation of 350 dunums of land in Mas'adah village, which had been declared a military zone, and the uprooting of 1,800 apple and cherry trees.

92. Agricultural land made up 96 per cent of the occupied Syrian Golan, and the majority of the population of the Golan depended on water resources necessary to cultivate their land. Water resources (400 to 500 million cubic metres) were exploited by an Israeli company. Settlers received seven times more water than the quantity allocated to Syrian citizens in the Golan. Moreover, the latter had to pay high taxes for water and were not permitted to dig wells or collect snow for their farming.

93. With a view to destroying their Syrian Arab identity and severing their links with their Syrian homeland, Israeli authorities raided homes at night and arrested young people on charges of resisting the occupation, organizing demonstrations and national events, distributing publications, and writing slogans condemning the occupation. Nineteen Syrian citizens of the occupied Golan were being held in Israeli prisons under harsh conditions and subjected to torture, far away from their homes and families. Five of them had been sentenced to 27 years' imprisonment and one to 15 years. Demonstrations had been organized on 21 April 2004 by hundreds of citizens of the occupied Golan in the main square of Majdal Shams and by five representatives of the Committee of Support for Syrian Prisoners in front of the ICRC office in Damascus to protest against detention conditions in Israeli jails of prisoners from the occupied Golan, Lebanon and Palestine.

94. The laying of anti-personnel landmines had continued. The Israeli authorities laid mines in 1,000 dunums of land in the Quneitra area along the Golan border strip and fenced them in with barbed wire, preventing farmers from cultivating their lands, as well as in the Harmon area, where trees had been uprooted.

95. According to the Syrian authorities, a matter of even greater concern was the burial of Israeli nuclear waste in a wide tract of land close to the Syrian border. It was feared that the nuclear waste, sealed in glass containers or reinforced cement chambers, would be affected by climatic conditions after 30-50 years and would start leaking depleted uranium, with a catastrophic ecological impact. So far, the Government of Israel had refused to allow its nuclear reactors to be monitored by the International Atomic Energy Agency, and it refused to comply with relevant international conventions.

96. As in former years, in the area of education, Israeli authorities continued their attempt to impose the Hebrew language on Syrian pupils during the early stages of education, to focus attention on Jewish history and Hebrew literature, and to provide

their own interpretation of the recent history of the occupied Golan, using unqualified teachers from the four remaining Syrian villages. These practices were aimed at eliminating the national identity of the new generation and at severing ties with their history, heritage, culture, nation and homeland.

97. As in the past, Syrian Arab people in the occupied Golan had to pay different taxes at higher rates than Israeli settlers for all kinds of purposes pertaining to everyday life, including television licence fees, housing, income and property, health insurance, local council and national insurance taxes and value added tax. Taxes were furthermore imposed on irrigation water drawn on private property and on privately owned water sources and reservoirs. Harvests were also taxed. The Israeli market was now the only market accessible to the Syrian farmers as a result of the Israeli occupation, the intifada and the closure of the West Bank. The period under review saw a decline in apple production to 15,000 tonnes in 2003 from 25,000 tonnes the previous year and a reduction of cultivated land from 50,000 to 20,000 dunums. These practices were gradually forcing Syrian farmers to abandon their lands, as they could no longer support their families.

98. Syrian workers in the occupied Golan suffered from unemployment and insecurity. Most of them were employed in temporary jobs and were under constant threat of dismissal. Posts in governmental and public institutions in the occupied Golan were reserved for settlers and denied to Syrian citizens on the ground that they did not know the Hebrew language, and also for security reasons.

99. As concerns the health sector, Syrian Arab citizens had to pay for all health services including primary health care, which had been free of charge prior to the occupation. The occupied villages did not have hospitals and suffered from a chronic shortage of health centres and clinics, forcing inhabitants, at huge cost, to go to neighbouring cities. Women and the children were particularly affected by these difficult health conditions. Women also endured the tragedy of family separation, and young people studying in Syria or other relatives had to communicate through barbed-wire fences, such as in the occupied village of Majdal Shams. When visiting their relatives in prison, women underwent invasive personal searches or had to stand outside the prison for long hours before being allowed in. Visitors could not have direct contact with prisoners. The Syrian witnesses testifying before the Special Committee confirmed the precarious health conditions of their relatives, the numerous rejections by Israeli authorities of requests by their relatives in the occupied Golan to visit their families in Syria, the harshness of conditions of detention and ill-treatment inflicted on prisoners, the difficulties encountered by students trying to visit their families in the occupied Golan during their holidays, and the weekly police inspections they had to undergo when staying with their families.

VII. Response by the international community

100. The present state of affairs regarding Palestine has lasted for 36 years. The General Assembly has adopted 200 resolutions and the Security Council 35, requesting Israel to put an end to the occupation of the OPT and to withdraw behind the 1967 Green Line border. The response to the situation by the international community, while slow, offers some hope for the future.

101. On 8 December 2003, at its emergency special session on the question of Palestine, the General Assembly adopted resolution ES-10/14, requesting an advisory opinion from the International Court of Justice on the legal consequence arising from Israel's construction of a barrier separating part of the West Bank from Israel.

102. The International Court of Justice rendered its advisory opinion on 9 July 2004. By 14 votes to one, the Court considered the wall being built by Israel in the OPT contrary to international law and that Israel was under an obligation to terminate its breaches of international law, to cease the construction of the wall and to repeal or render ineffective all legislative and regulatory acts relating thereto. Also, Israel was under the obligation to make reparation for all damages caused by the construction of the wall. By 13 votes to two, the Court stated that all States were under obligation not to recognize the illegal situation resulting from the construction of the wall and not to provide any assistance in maintaining the situation created by such construction, and reminded them of their obligation, under the Fourth Geneva Convention, to ensure compliance by Israel with international humanitarian law. The Court finally stated that the United Nations, and especially the General Assembly and the Security Council, should consider what further action was required to bring an end to this illegal situation.

103. On 20 July 2004, the General Assembly adopted resolution ES-10/15, demanding that Israel comply with its legal obligations as mentioned in the advisory opinion. In its resolution, the Assembly called upon Member States also to comply with their legal obligations, and requested the Secretary-General to establish a register of damage caused by the wall to natural or legal persons concerned. It called upon both the Government of Israel and the Palestinian Authority to immediately implement their obligations under the road map to achieve the vision of the two States living side by side in peace and security. Also, the Assembly called upon the States parties to the Fourth Geneva Convention to ensure respect by Israel for the Convention, and invited Switzerland, as depositary of the Geneva Conventions, to conduct consultations and to report to the Assembly including on the possibility of resuming the Conference of High Contracting Parties to the Fourth Geneva Convention.

VIII. Conclusions and recommendations

A. Conclusions

104. **The Special Committee reiterates with renewed conviction that all its conclusions contained in its previous report continue to remain valid.**

105. **Much broader and significant coverage of the appalling human rights situation of Palestinians and other Arabs in the OPT and in the occupied Syrian Golan is needed by international and national media.**

106. **National public opinion, concerned civil society groups and diplomatic, academic and research circles should take the lead in their respective countries to assemble and disseminate information about the mass violations of international humanitarian law and human rights law perpetrated daily in the OPT and the unacceptable destruction of human life, infrastructure, cultivated**

land and economic wealth. It is important to make understood that the construction of the separation wall is bringing about major changes in the social fabric of Palestinian communities and is one of the most visible signs of the transformation of the OPT into a vast open-air prison.

107. The Special Committee was dismayed at the feeling expressed by witnesses that, after so many years of oppression, military occupation and repeated incursions, destruction, killings and violence, there was little hope that their fate would improve. Hope was even fading for children who did not see any use in going to school or university as they witnessed only unemployment and frustration in the surroundings they were growing up in. Witnesses were wondering why they should continue to appear, year after year, before the Special Committee, without seeing any changes in their dire situation.

108. The Special Committee has become increasingly alarmed by the regional and international dimension of the Palestinian issue and is convinced that it is important for the international community to act, especially in view of the advisory opinion rendered by the International Court of Justice and the ensuing adoption by the General Assembly of resolution ES-10/15.

109. The time has come for the Special Committee and the General Assembly to reflect on new and imaginative ways to make the Committee's work and mandate better known to new constituencies and groups of people, and also on how to fulfil its mandate so that it has a greater impact on the stakeholders.

B. Recommendations

110. The Special Committee strongly reiterates the recommendations made in its previous report to the General Assembly as follows:

> "In view of the gravity of the situation described above, the Committee believes that the time has come for it to be allowed by the Israeli authorities to obtain access to the occupied territories and witness for itself the current situation of human rights, as well as to ascertain the views of the Government of Israel on these issues. The Special Committee, inter alia, recommends:
>
> > "(a) To the Government of Israel:
> >
> > "(i) To pursue its efforts in relation to the implementation of the road map, including especially the withdrawal of its military presence within the Occupied Palestinian Territory and the occupied Syrian Golan;
> >
> > "(ii) To recognize the de jure and de facto applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory and to distinguish in all circumstances between military objectives and civilian persons and objects;
> >
> > "(iii) To ensure respect for the principle of appropriate use of means and methods employed in warfare;
> >
> > "(iv) To lift local curfews, road closures and checkpoints and allow free access to schools, hospitals and places of work;

"(v) To allow the majority of Palestinian workers to resume their jobs in Israel;

"(vi) To stop mass arrests and arbitrary detentions; to release all administrative detainees, including those detainees who have not committed serious crimes, such as murder; to guarantee those arrested detention conditions in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment and with the Fourth Geneva Convention;

"(vii) To refrain from pursuing the construction of a separation or security wall between Israel and the Occupied Palestinian Territory, the long-lasting effects of which are not compatible with a just and sustainable peace between Israel, the state-to-be of Palestine and the Syrian Arab Republic;

"(viii) To stop its policy of the destruction of houses and property, and its policies concerning Jewish settlements and the confiscation of large portions of Palestinian land, ruining their territorial integrity;

"(ix) To implement the recommendations of all United Nations bodies, including the Committee against Torture and the Committee on Economic, Social and Cultural Rights;

"(b) To the Palestinian Authority:

"(i) To pursue its efforts in relation to the implementation of the road map, in particular to exert control over Palestinian armed groups in such a way that they refrain from any act of violence, such as suicide bombing or bomb throwing against civilians or Israeli targets;

"(ii) To arrest and bring to justice, in accordance with international standards, those responsible for planning or participating in attacks against Israeli civilians;

"(iii) To apply fully the provisions of the Fourth Geneva Convention as they apply in the Occupied Palestinian Territory;

"(c) To the General Assembly:

"(i) To request the High Contracting Parties to the Fourth Geneva Convention to take concrete measures in respect of their obligations to ensure Israel's respect for the Convention;

"(ii) To encourage the creation of a mechanism allowing a full investigation into alleged breaches of international human rights and humanitarian law, which would be independent of all parties concerned but would be conducted with their full cooperation;

"(iii) To implement all signed agreements and domestic legislation that are contingent upon Israel's compliance with international human rights standards."

111. **Deeply concerned at the information gathered during its exchanges with 84 witnesses in the three countries visited, the Committee urges the Government of Israel to allow it to visit the OPT, so that it can find out for itself the situation of human rights in the OPT. Such a visit would provide a privileged opportunity to establish a direct dialogue with the Israeli authorities**

and ascertain their position on the situation in the OPT and the occupied Syrian Golan.

112. **The Special Committee, which has followed with great attention the work of the International Court of Justice in relation to the advisory opinion, requests the Government of Israel, the Palestinian Authority and States Members of the United Nations to take action in accordance with the advisory opinion.**

113. **The Special Committee urges national and international media to give wide coverage to the plight of Palestinians in the OPT and Palestinian refugees in neighbouring countries.**

114. **The Special Committee also urges concerned civil society groups and diplomatic, academic and research circles to use their good will and influence to make the plight of Palestinians better known to the public and to pressure their respective Governments to comply fully with their international obligations stated in the recent advisory opinion of the International Court of Justice and the related resolution adopted by the General Assembly.**

Notes

[1] During the current year, the documentation and other material made available to the Special Committee included the following:

(a) Statements, publications, yearly reports and other material provided by Palestinian and Israeli non-governmental organizations;

(b) Testimonies provided under oath and recorded;

(c) Statements received from the Government of the Syrian Arab Republic and the Governor of Quneitra;

(d) General Assembly resolutions 58/96 to 58/100 and related General Assembly reports concerning Palestine;

(e) United Nations International Meeting on the Impact of the Construction of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, United Nations Office at Geneva, 15 and 16 April 2004, papers and statements submitted and final document;

(f) Reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2004/6 and Add.1);

(g) Report of the Special Rapporteur of the Commission on Human Rights on the right to food: mission to the occupied Palestinian territories (E/CN.4/2004/10/Add.2);

(h) Reports of various United Nations bodies, such as OCHA and ILO, and such intergovernmental organizations as the World Bank;

(i) Various publications or yearly reports submitted by international non-governmental organizations such as Amnesty International, Human Rights Watch and the International Federation of Human Rights Leagues.

[2] See "The situation of workers of the Occupied Arab Territories", Report of the Director-General, appendix, ILO, International Labour Conference, 92nd session, 2004, p. 13.

[3] "Sabeh" is used to describe various ways of hanging people either by the feet, head down, or by the hands attached to the ceiling with the feet not touching the ground. This method of torture also includes making people sit on tiny chairs with their hands and feet tied to the chair.

[4] ILO, op. cit., p. 10.

[5] Occupied Palestinian Territory 2004, Consolidated Appeals Process (CAP), OCHA, p. 30.

[6] Ibid., p. 34.

Annex

List of associations and non-governmental organizations that testified before the Special Committee during its field mission in 2004

A. Associations representing Palestinian refugees in Lebanon

1. Center for Generations
2. Coordination Forum of NGOs Working Among the Palestinian Community
3. Democracy and Social Development
4. Disability Rights
5. General Union for Palestinian Lawyers
6. Ghassen Kanafani Cultural Foundation
7. Going Back Organization (A'aidoun)
8. Media Information Services
9. Medical Aid for Palestinians
10. Organization of Developmental Work (Nabeh)
11. Palestinian Human Rights Organization
12. Palestine Red Crescent Society
13. Palestinian Union of Journalists
14. Popular Aid for Relief and Development
15. Women's Union
16. Women Humanitarian Organization

B. Non-governmental organizations from the OPT and Israel

1. ADALAH, The Legal Centre for Arab Minority Rights in Israel, Haifa
2. Addameer Prisoner Support and Human Rights Association, Ramallah
3. Al-Haq, Ramallah
4. Applied Research Institute, Bethlehem
5. Arab Association for Human Rights, Nazareth
6. Arab Thought Forum/Citizen's Rights Centre, Jerusalem
7. B'Tselem, Jerusalem
8. Defence for Children International/Palestine, Ramallah
9. Democracy and Workers' Rights Centre, Gaza Branch
10. Friends of Detainees and Prisoners Association, Nazareth

11. HaMoked: Centre for the Defence of the Individual, Jerusalem
12. Jerusalem Centre for Human Rights, Jerusalem
13. Jerusalem Centre for Social and Economic Rights, Jerusalem
14. Jerusalem Legal Aid Centre, Jerusalem
15. Mandela Institute, Ramallah
16. Palestinian Agricultural Relief Committees, Ramallah
17. Palestinian Centre for Refugee and Diaspora, Ramallah
18. Palestinian Commission for NGOs, Gaza
19. Palestinian Human Rights Monitoring Group, Jerusalem
20. Palestinian Independent Commission of Citizen's Rights, Ramallah
21. Palestinian Journalists Syndicate, Jerusalem, Ramallah
22. Palestinian Prisoners' Society, Bethlehem
23. Palestine Red Crescent Society, Jerusalem
24. Physicians for Human Rights, Tel Aviv
25. Prisoners & Ex-prisoners Association (Hussam Association), Gaza
26. Solidarity International for Human Rights, Nablus
27. Treatment and Rehabilitation Centre for Victims of Torture, Ramallah

And 13 witnesses sent by the Palestinian Authority